

Appl. No. 09/889,484
Amendment dated February 19, 2004
Reply to Office Action of August 19, 2004

REMARKS

In the August 19, 2004 Office Action, the specification was objected to and claims 1-6 stand rejected in view of prior art, while claims 7-10 were indicated as containing allowable subject matter. Also, claims 1-10 were rejected for failing to indicate and claim particularly and distinctly the subject matter that Applicants regard as the invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 19, 2004 Office Action, Applicants have amended the specification and claims 1-10, and added new claims 11-17 as indicated above. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-17 are pending, with claims 1, 4, 7, 8, 11 and 15 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

The Office Action Summary does not indicate whether the drawings filed on December 20, 2001 are accepted or objected to, since no box was checked on the Office Action Summary. This appears to be a minor error and Applicants assume that the drawings filed on December 20, 2001 have been accepted by the Examiner. In any event, Applicants respectfully request acknowledgement of the acceptance of these drawings in the next Office Action.

Priority

On page 2 of the Office Action, acknowledgement was made of Applicants' claim for foreign priority based on two Japanese applications. The Office Action also asserts that Applicants have not filed a certified copy of either one of these applications as required by 35 U.S.C. 119(b). Applicants wish to thank the Examiner for this note. Applicants will look into this matter and submit certified copies of these Japanese applications, if needed.

Specification

On pages 2 to 3 of the Office Action, the specification was objected to, because the specification allegedly contains references to claim numbers, grammatical errors and nonsensical phrases. In response, Applicants have amended the specification to correct the grammatical errors, to eliminate references to claim numbers and to further clarify the

Appl. No. 09/889,484
Amendment dated February 19, 2004
Reply to Office Action of August 19, 2004

specification. However, Applicants respectfully disagree with the assertion beginning on page 2, paragraph b) of the Office Action that states, "...on page 18, lines 4-5, which recites 'surrounded by an inert gas blowing nozzle' and on page 19, lines 4-5, which states 'nozzle 5 injects the drying fluid in a horizontal direction', however, the figures show the nozzle injecting fluid in a VERTICAL direction. Appropriate correction is required." In particular, the disclosure at page 18, lines 4-5 specifically describes an injection nozzle 5 and an inert gas blowing nozzle 6 shown in Fig. 2. Fig. 2 shows that the injection nozzle 5 and the inert gas blowing nozzle 6 both have openings that appear to be *vertically oriented*.

In contrast, the disclosure beginning at page 19, line 3 specifically describes an injection nozzle 5 and an inert gas blowing nozzle 6 shown in Fig. 4. Fig. 4 appears to show a plurality of openings that are located in a *right hand side* of a lower portion of *the injection nozzle 5 to inject a drying fluid out of the right hand side* (i.e., *in a horizontal direction*), and a plurality of openings located in the inert gas blowing nozzle 6 that *blow a gas from an upper position* with respect to the injected drying fluid. Accordingly, the disclosure on page 18, lines 4-5 and the disclosure on page 19, lines 4-5 are both believed to be *correct*.

Thus, Applicants believe that the specification is now correct. Withdrawal of the objections is respectfully requested.

Claim Rejections - 35 U.S.C. §112

On pages 3-5 of the Office Action, claims 1-10 stand rejected under 35 U.S.C. §112, second paragraph. In response, Applicants have amended claims 1-10 to obviate the rejections due to indefiniteness. Applicants believe that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

On pages 5-6 of the Office Action, claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,913,981 (Florez). Applicants respectfully assert that this 35 U.S.C. 102(b) rejection in view of the Florez patent is improper, due to the filing date to which the above-identified application is entitled. However, the Florez patent could possibly form the basis for another rejection. Applicants have amended independent claims 1 and 4 as indicated above.

Independent claims 1 and 4 clearly recite a method or an apparatus that involves *introducing a drying fluid under a liquid condition within a processing container*, and

Appl. No. 09/889,484
Amendment dated February 19, 2004
Reply to Office Action of August 19, 2004

injecting the introduced drying fluid onto a fluid face of a cleaning fluid using a nozzle.

Clearly, this structure is *not* anticipated by the Florez patent. The Office Action relies upon Figures 6 and column 11 of the Florez patent to disclose all of the elements of claims 1-6 of the above-identified application. Applicants respectfully traverse this rejection.

In the Florez patent, a drying fluid is introduced into a chamber as a *mist or a vapor*. More specifically, column 11 of the Florez patent discloses that the drying fluid is sprayed under a *mist condition* or supplied under a *vapor condition*. When drying fluid is supplied in a gaseous condition by the method disclosed in the Florez patent, it appears that thick gas cannot be generated because the gas density is determined by its saturation density based upon the temperature of the environmental atmosphere. This can result in poor drying. Also, when the drying fluid is supplied in a mist condition by the method disclosed in the Florez patent, the *mist* appears to be *generated outside of the chamber* of the Florez patent and *introduced into the chamber*. Changes in the mist as it flows into the chamber can result in poor drying. In other words, the Florez apparatus introduces a drying fluid into a chamber in a *mist condition, not a liquid condition*. Accordingly, the Florez patent *does not* disclose any apparatus or method that involves *introducing a drying fluid under a liquid condition within a processing container* and *injecting the introduced drying fluid onto a fluid face of a cleaning fluid*, as required by independent claims 1 and 4. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 4, as now amended, are *not* anticipated by the prior art of record.

Withdrawal of this rejection is respectfully requested.

Also, Applicants believe that the dependent 2-6 are also allowable over the prior art of record in that they depend from independent claims 1 and 4, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-6 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does *not* anticipate the independent claims 1 and 4, neither does the prior art anticipate the dependent claims. Withdrawal of the rejections is respectfully requested.

Applicants also respectfully traverse the rejections of dependent claims 2 and 5. In particular, Figure 6 of the Florez patent shows a gas injection assembly 140 that supplies a gas, and a drying fluid injection assembly 124 that supplies a drying fluid. The gas injection

Appl. No. 09/889,484
Amendment dated February 19, 2004
Reply to Office Action of August 19, 2004

assembly 140 and the drying fluid injection assembly 124 appear to *operate independently*. As such, the Flores patent *does not* appear to show any apparatus or method that involves blowing an inert gas *onto an injected drying fluid to atomize the injected drying fluid*, as required by dependent claims 2 and 5. Thus, claims 2 and 5 are believed to be further allowable over the Florez patent.

Allowable Subject Matter

On page 6 of the Office Action, claims 7-10 were indicated as containing allowable subject matter. The Office Action indicates that claims 9 and 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims, and claims 7 and 8 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claims 7, 8, 9 and 10 to obviate the rejections due to indefiniteness. Thus, independent claims 7 and 8, and their dependent claims 9 and 10 are believed to be allowable.

New Claims

Claims 11-17 have been added by this Amendment. Applicants respectfully assert that the Florez patent *fails* to disclose or suggest any a drying fluid supplying mechanism configured and arranged to *introduce drying fluid under a liquid condition* within a processing container and inject the introduced drying fluid onto a fluid face of a cleaning fluid using a nozzle, as set forth in new claims 11-14.

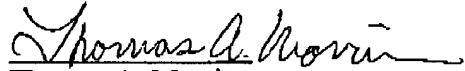
Also, Applicants respectfully assert that the Florez patent *fails* to disclose or suggest any drying fluid supplying mechanism configured and arranged to convey a liquid drying fluid to an exhaust opening of a nozzle using a carrier gas and *simultaneously blow the drying fluid and the carrier gas from the exhaust opening towards a fluid face of a cleaning fluid*, as set forth in claims 15-17.

* * *

Appl. No. 09/889,484
Amendment dated February 19, 2004
Reply to Office Action of August 19, 2004

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-17 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


Thomas A. Morrison
Reg. No. 46,104

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036

(202)-293-0444

Dated: February 19, 2004

\Gip-srv-01\DATA\02-FEB04-EL\TMK-US045032\Amendment2.doc